

REMARKS

The Examiner rejected claims 1-3, 5-11, 13-18 and 20-22 under 35 U.S.C. §102(b) as anticipated by Hestehave et al. (U.S. Patent No. 5,118,014). The Examiner also rejected claims 1-3, 5-11, 13-18 and 20-22 under 35 U.S.C. §103(a) as obvious over Hestehave et al. The Examiner also rejected Claims 4, 12 and 19 under 35 U.S.C. §103(a) as obvious over Hestehave in view of Eger et al. (U.S. Patent No. 5,222,623).

Each of these rejections is addressed individually below.

The Section 102(b) Claim Rejections:

The Examiner rejected claims 1-3, 5-11, 13-18 and 20-22 under 35 U.S.C. §102(b) as anticipated by Hestehave et al. (U.S. Patent No. 5,118,014). The Applicant respectfully submits that all claims as clarified above are allowable over the art and that the rejections should be reconsidered and withdrawn.

Claim 1:

Claim 1 has been amended and should be allowed over the Hestehave reference.

Claim 1 requires self return lid assembly having (i) a cap, (ii) a release lever, and (iii) a biasing mechanism. The cap includes a self-gripping handle, a top face, a sip port and a vent port integrally formed in the top face, and a generally circular outer peripheral rim.

The release lever is coupled to the cap and is pivotal between a sealed configuration and an unsealed configuration about a pivot point. The pivot point is located outwardly of the generally circular outer peripheral rim of the cap. The release lever has a portion on one side of the pivot point that is fork-shaped and includes a sip plug and vent plug located on the ends of the fork-shaped arms for sealing and unsealing the cap.

The biasing mechanism is operatively coupled to the cap and the release lever, and urges the release lever to the sealed configuration through application of an upward force on an underside of the release lever.

The Hestehave reference fails to teach or suggest a release lever having a pivot point that is disposed outwardly of the peripheral rim of the cap. Indeed, the pivot point in the Hestehave reference (located where the structures identified by reference

numbers 16 and 21 meet) is disposed over the top face of the cap. For this reason alone, it is submitted that claim 1 is not anticipated or rendered obvious by the Hestehave reference.

Claim 1 also requires that a thumb pad is disposed on a first side of the pivot point and a sip plug and a vent plug are disposed on a second side of the pivot point. The second side of the pivot point is fork-shaped with two arms and where the vent plug and the sip plug each extend from the distal end of one of each arm to seal the sip port and vent plug as the thumb pad is depressed and released. While the Hestehave reference shows a release lever having a first side and a second side, the Hestehave reference fails to teach or suggest a release lever wherein the second side of the release lever is fork-shaped. Instead, the second side of the release lever in the Hestehave reference is T-shaped and thus can interfere with a user's facial features while drinking. The Examiner has contended that the "valve member 20" in Hestehave is fork-shaped, however, the ordinary meaning of the term fork requires at least two projecting arms that are spaced apart from one another and extend in a generally parallel direction to the handle portion. Here, the second side in Applicant's invention meets this definition. Conversely, the valve member 20 in Hestehave merely has two arms that extend perpendicular from the handle – not generally parallel. Accordingly, the Hestehave reference fails to teach or suggest a release lever as required by claim 1 for this additional reason.

Further, claim 1 requires that the force urging the release lever into a sealing engagement is from a biasing member that exerts an upward force on the underside of the release lever. This is again distinguishable from the Hestehave reference, which includes a spring clip 25 that exerts a downward force on the valve member to effectuate as sealing position. Claim 1 is thus believed to be allowable for this further reason.

It is therefore submitted that Claim 1 is allowable over the art and that Claims 2 through 8, which depend from Claim 1, are allowable for the same reasons provided above in connection with Claim 1.

**Claim 9:**

Claim 9 also requires a self return lid assembly having (i) a cap and (ii) a release lever in the same manner as claim 1. Claim 9 also requires a spring that engages the underside of the release lever to apply an upward force with the spring being integrally formed with the release lever.

Claim 9 is thus submitted to be allowable for at least the same reasons provided above in connection with claim 1.

Claim 9 is not anticipated by the Hestehave reference for the additional reason that the spring in the Hestehave reference that biases the valve member is a separate component from the valve member and is therefore not integrally formed therewith. The release lever and spring in Hestehave are not formed as one-piece or are not unitary as previously admitted by the Examiner. Accordingly, the Hestehave reference does not teach a release lever with an integral or unitary spring component. Accordingly, the Hestehave reference fails to teach or suggest each and every element required by the claims for this further reason.

It is therefore submitted that claim 9 is allowable over the art and that claims 10 through 15, which depend from claim 9, are allowable for the same reasons provided above in connection with claim 9.

**Claim 16:**

Claim 16 requires a no-spill drinking lid having a cap, with a spring, a self-gripping handle, a top face, a sip port and a vent port formed in the top face all integrally formed as part of the cap. Claim 16 also requires a release lever detachably pivotally coupled to the cap about a pivot point and where the pivot point is disposed beyond an outer periphery of top face of the cap.

As discussed above, the spring clip 25 in the Hestehave reference is a separate component from either the lid or the cap. Therefore, the Hestehave reference does not teach a cap having an integrally formed spring to bias the release lever into a sealed condition. As also discussed above, the spring clip 25 applies a downward force to the valve member 20. Thus, the Hestehave reference does not teach a release lever that is biased to the sealed or closed position due to application of an upward force on an underside of the release lever.

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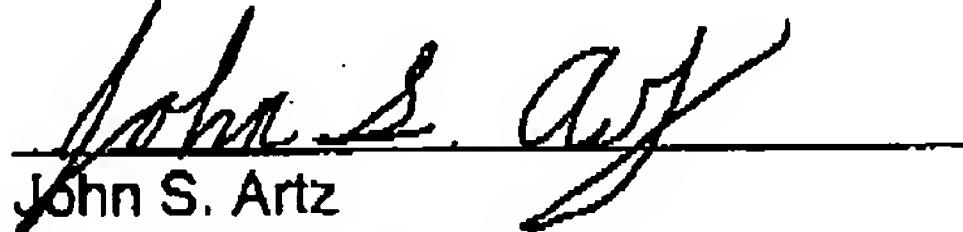
It is therefore submitted that claim 16 is allowable over the art and that claims 17 through 22, which depend from claim 16, are allowable for the same reasons provided above in connection with claim 16.

**Conclusion:**

It is therefore submitted that all objections and rejection of record have been overcome and that all pending claims are in condition for allowance.

If the Examiner should have any questions he is urged to contact the undersigned at (248) 223-9500.

Respectfully submitted,  
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